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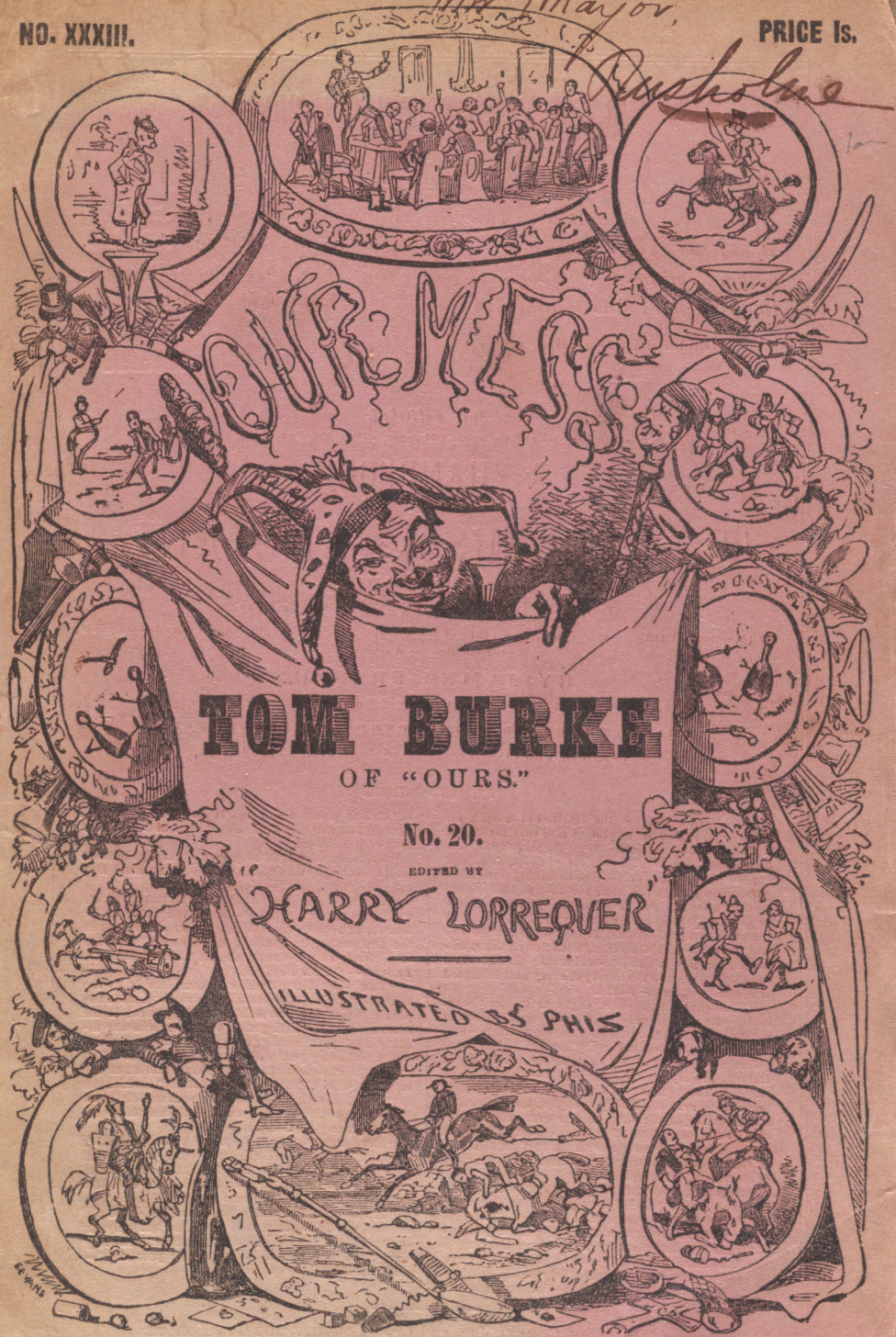
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Darby in the Chair.

"Bad scramt'ye, Peter, but living or dead, ye had always a sting in ye. "

The News-venders.

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CHAPTER LXXX.

AN UNFORESEEN EVIL.

"I PERCEIVE, sir," said the stranger, seating himself at my table, "they are desirous to restore an antiquated custom in regard to you. I thought the day of indemnities was past and gone for ever."

"I am ignorant to what you allude."

"The authorities would make you out an emissary of France, sir, as if France had not enough on her hands already, without embroiling herself in a quarrel from which no benefit could accrue—not to speak of the little likelihood that any one on such an errand would take up his abode, as you have, in the most public hotel of Dublin."

"I have no apprehensions as to any charges they may bring against me. I am conscious of no crime, saving having left my country a boy, and returned to it a man."

"You were in the service of France, then?"

"Yes, since 1801 I have been a soldier."

"So long? You must have been but a mere boy when you quitted Ireland. How have they connected you with the troubles of that period?"

I hesitated for a second or two, uncertain what answer, if any, I should return to this abrupt question. A glance at the manly and frank expression of the stranger's face soon satisfied me that no unworthy curiosity had prompted the inquiry, and I told him in few words, how, as a child, the opinions of the patriotic party had won me over to embark in a cause I could neither fathom nor understand. I traced out rapidly the few leading events of my early career down to the last evening I spent in Ireland. When I came to this part of my story, the stranger became unusually attentive, and more than once questioned me respecting the origin of my quarrel with Crofts, and the timely appearance of Darby, of whose name and character, however, I gave him no information, merely speaking of him as an old and attached follower of my family.

"Since that period, then, you have not been in Ireland," said he, as I concluded.

"Never: nor had I any intention of returning until lately, when circumstances induced me to leave the Emperor's service; and from very uncertainty I came back here, without well knowing why."

"Of course, then, you have never heard the catastrophe of your adventure with Crofts. It was a lucky hit for him."

"How so? I don't understand you."

"Simply this:—Crofts was discovered in the morning, severely wounded, where you left him, his account being, that he had been way-

laid by a party of rebels, who had obtained the countersign of the night, and passed the sentry in various disguises. You yourself—for so, at least, I surmise it must have been—were designated the prime mover of the scheme, and a government reward was offered for your apprehension. Crofts was knighted, and appointed to the staff—the reward of his loyalty and courage—of the exact details of which my memory is, unfortunately, little tenacious."

"And the truth of the occurrence was never known?"

"What I have told you is the only version current. I have reason to remember so much of it, for I was then, and am still, one of the legal advisers of the crown, and was consulted on the case, of which, I confess, I always had my misgivings. There was a rage, however, for rewarding loyalty, as it was termed, at the period, and the story went the round of the papers. Now, I fancy Crofts would just as soon not see you back again. He has made all he can of the adventure, and would as lieve have it quietly forgotten."

"But can I suffer it to rest here? Is such an imputation to lie on my character as he would cast on me?"

"Take no steps in the matter on that score: vindication is time enough when the attack is made directly: besides, where should you find your witness—where is the third party, who could prove your innocence, and that all you did was in self-defence?—without his testimony, your story would go for nothing. No, no. Be well satisfied if the charge is suffered to sleep, which is not unlikely. Crofts would scarcely like to confess that his antagonist was little more than a child; his prowess would gain nothing by the avowal; besides, the world goes well with him latterly: it is but a month ago, I think, he succeeded, unexpectedly, to a large landed property."

The stranger, whose name was M'Dougall, continued to talk for some time longer, most kindly volunteered to advise me in the difficult position I found myself, and having given me his address in town, wished me a good night and departed.

It was to no purpose I laid my head on my pillow; tired and fatigued as I was, I could not sleep; the prospect of fresh troubles awaiting me made me restless and feverish, and I longed for day to break, that I might manfully confront whatever danger was before me, and oppose a stout heart to the arrows of adverse fortune. My accidental meeting with the stranger also re-assured my courage, and I felt gratified to think that such rencontres in life are the sunny spots which illumine our career in the world—the harbingers of bright days to come.

This feeling was still more strongly impressed on me, as I entered the small room on the ground-floor at the Castle, where was the secretary's office, and beheld M'Dougall seated in an arm-chair, reading the newspaper of the day. I could not help connecting his presence there with some kindly intention towards me, and already regarded him as my friend. Major Barton stood at the secretary's side, and whispered from time to time in his ear.

"I have before me certain information, sir," said the secretary, ad-

dressing me, "that you were connected with parties who took an active part in the late rebellion in this country, and by them sent over to France, to negociate co-operation and assistance from that quarter"—Barton here whispered something, and the secretary resumed—"and in continuance of this scheme are at present here."

"I have only to observe, sir, that I left Ireland a mere boy, when, whatever my opinions might have been, they were, I suspect, of small moment to his Majesty's government; that I have served some years in the French army, during which period I neither corresponded with any one here, nor had intercourse with any from Ireland; and lastly, that I have come back unaccredited by any party, nor having, as I believe, a single acquaintance in the island."

"Do you still hold a commission in the French service?"

"No, sir. I resigned my grade as captain some time since."

"What were your reasons for that step?"

"They were of a purely personal nature, having no concern with politics of any sort. I should, therefore, ask of you not to demand them. I can only say, they reflect neither on my honour nor my loyalty."

"His loyalty! Would you ask him, sir, how he applies the term, and to what sovereign and what government the obedience is rendered?" said Barton, with a half smile of malicious meaning.

"Very true, Barton—the question is most pertinent."

"When I said loyalty, sir," said I, in answer, "I confess I did not express myself as clearly as I intended. I meant, however, that, an Irishman and a subject of his majesty, George III., as I now am, no act of mine in the French service ever compromised me."

"Why, surely you fought against the allies of your own country."

"True, sir. I speak only with reference to the direct interests of England. I was a soldier of the Emperor, but never a spy under his government."

"Your name is amongst those who never claimed the indemnity. How is this?"

"I never heard of it. I never knew such an act was necessary. I am not guilty of any crime, nor do I see any reason to seek a favour."

"Well, well; the gracious intentions of the crown lead us to look leniently on the past. A moderate bail for your appearance when called on, and your own recognizances for the same object, will suffice."

"I am quite willing to do the latter; but as to bail, I repeat it, I have not one I could ask for such a service."

"No relative?—no friend?"

"Come, come, young gentleman," said M'Dougall, speaking for the first time, "recollect yourself. Try if you can't remember some one who would assist you at this conjuncture."

Basset was the only name I could think of, and however absurd the idea of a service from such a quarter, I deemed that, as my brother's agent, he would scarce refuse me. I thought that Barton gave a very

peculiar grin as I mentioned the name; but my own securities being entered into, and a few formal questions answered, I was told I was at liberty to seek out the bail required.

Once more in the streets, I turned my steps towards Basset's house, where I hoped at all events to learn some tidings of my brother. I was not long in arriving at the street, and speedily recognised the old house, whose cobwebbed windows and unwashed look reminded me of former times. The very sound of the heavy iron knocker awoke its train of recollections; and when the door was opened, and I saw the narrow hall, with its cracked lamp and damp discoloured walls, the old heart-sinking with which they once inspired me came back again, and I thought of Tony Basset, when his very name was a thing of terror to me.

Mr. Basset, I was told, was at court, and I was shown into the office to await his return. The gloomy little den, I knew it well, with its dirty shelves of dirtier papers, its old tin boxes, and its ricketty desk, at which two meanly-dressed starveling youths were busy writing. They turned a rapid glance towards me as I entered; and as they resumed their occupation, I could hear a muttered remark upon my dress and appearance, the purport of which I did not catch.

I sat for some time patiently, expecting Basset's arrival; but as the time stole by, I grew wearied with waiting, and determined on ascertaining, if I might, from the clerks, some intelligence concerning my brother.

"Have you any business with Mr. Burke?" said the youth I addressed, while his features assumed an expression of vulgar jocularity.

"Yes," was my brief reply.

"Wouldn't a letter do as well as a personal interview?" said the other, with an air of affected courtesy.

"Perhaps so," I replied, too deeply engaged in my own thoughts to mind their flippant impertinence.

"Then mind you direct your letter 'Church-yard, Loughrea;' or, if you want to be particular, say, 'Family vault.'"

"Is he dead?—is George dead?"

"That's hard to say," interposed the other, "but they've buried him that's certain."

Like a stunning blow, the shock of this news left me unable to speak or hear. A maze of confused thoughts crossed and jostled each other in my brain, and I could neither collect myself, nor listen to what was said around me. My first clear memory was of a thousand little childish traits of love which had once passed between us. Tokens of affection long forgotten now rushed freshly to my mind; and he whom, a moment before, I had condemned as wanting in all brotherly feeling, I now sorrowed for with true grief. The low and vulgar insolence of the speakers made no impression on me; and when, in answer to my questions, they narrated the manner of his death—a fever contracted after some debauch at Oxford—I only heard the tidings, but did not notice the unfeeling tone it was conveyed in. My brother dead!—the only one of kith or kindred belonging to me. How slight the tie seemed

but a few moments back! What would I not give for it now! Then, for the first time, did I know how the heart can heap up its stores of consolation in secrecy; and how unconsciously the mind can dwell on hopes it has never confessed even to itself! How I fancied to myself our meeting, and thought over the long pent-up affection years of absence had accumulated, now flowing in a gushing stream from heart to heart! The grave is indeed hallowed when the grass of the church-yard can cover all memory, save that of love. We dwell on every good gift of the lost one, as though no unworthy thought could cross that little mound of earth—the barrier between two worlds! Sad and sorrow-struck, I covered my face with my hands, and did not notice that Mr. Basset had entered, and taken his place at the desk.

His voice, every harsh tone of which I well remembered, first made me aware of his presence. I lifted my eyes, and there he stood, little changed, indeed, since I had seen him last. The hard lines about the mouth had grown deeper, the brow more furrowed, and the hair more mixed with gray, but in other respects he was the same. As I gazed at him, I could not help fancying that time makes less impression on men of coarse, unfeeling mould, than on natures of a finer temper. The world's changes leave no trace on the stern surface of the one, while they are wearing deep tracts of sorrow in the other.

"Insert the advertisement again, Simms," said he, addressing one of the clerks, "and let it appear in some paper of the seaport towns. Among the Flemish or French smugglers who frequent them, there might be some one to give the information. They must be able to show that though Thomas Burke——"

I started at the sound of my name. The motion surprised him—he looked round and perceived me. Quick and piercing as his glance was, I could not trace any sign of recognition, although, as he scanned my features, and suffered his eyes to wander over my dress, I perceived that his was no mere chance or cursory observation.

"Well, sir," said he, at length, "is your business here with me?"

"Yes; but I would speak with you in private."

"Come in here, then. Meanwhile, Sam, make out that deed—for we may go on without the proof of demise."

Few and vague as the words were, their real meaning flashed on me, and I perceived that Mr. Basset was engaged in the search of some evidence of my death, doubtless, to enable the heir-at-law to succeed to the estates of my brother. The moment the idea struck me, I felt assured of its certainty, and at once determined on the plan I should adopt.

"You have inserted an advertisement regarding a Mr. Burke," said I, as soon as the door was closed, and we were alone together, "what are the particular circumstances of which you desire proof?"

"The place, date, and manner of his death," replied he, slowly—"for, though informed that such occurred abroad, an authentic evidence of the fact will save some trouble. Circumstances to identify the individual with the person we mean, of course, must be offered—showing whence he came, his probable age, and so on. For this intel-

ligence I am prepared to pay liberally—at least, a hundred pounds may be thought so."

"It is a question of succession to some property, I have heard."

"Yes; but the information is not of such moment as you may suppose," replied he quickly—and, with the wariness of his calling, anticipating the value I might be disposed to place on my intelligence—"we are satisfied with the fact of the death; and even, were it otherwise, the individual most concerned is little likely to disprove the belief—his own reasons will, probably, keep him from visiting Ireland."

"Indeed!" I exclaimed, the word escaping my lips ere I could check its utterance.

"Even so," resumed he; "but this, of course, has no interest for you. Your accent bespeaks you a foreigner—have you any information to offer on this matter?"

"Yes; if we speak of the same individual who may have left this country about 1800, as a boy of some fourteen years of age, and entered the *Ecole Polytechnique* of Paris."

"Like enough. Continue, if you please—what became of him afterwards?"

"He joined the French service, attained the rank of captain, and then left the army—came back to Ireland—and now, sir, stands before you."

Mr. Basset never changed a muscle of his face as I made this declaration. So unmoved, so stolid was his look, that, for a moment or two, I believed him incredulous of my story; but this impression soon gave way, as with his eyes bent on me, he said,

"I knew you, sir, I knew you, the moment I passed you in the office without—but it might have fared ill with you to have let my recognition appear."

"As how—I do not understand you."

"My clerks there might have given information for sake of the reward—and once in Newgate, there was an end of all negociation."

"You must speak more intelligibly, sir, if you wish me to comprehend you. I am unaware of any circumstance which should threaten me with such a fate."

"Have you forgotten Captain Crofts, Montague Crofts?" said Basset, in a low whisper, while a smile of insulting malice crossed his features.

"No; I remember him well—what of him?"

"What of him! He charges you with a capital felony—a crime for which the laws have little pity here—whatever your French habits may have taught you to regard it. Yes—the attempt to assassinate an officer in his Majesty's service, when foiled by him in an effort to seduce the soldiery, is an offence which might have a place in your memory."

"Can the man be base enough to make such a charge as this against me—a boy, as I then was?"

"You were not alone—remember that fact."

"True; and most thankful am I for it. There is one, at least, can prove my innocence, if I can but discover him."

"You will find that a matter of some difficulty. Your worthy friend, and early preceptor, was transported five years since."

"Poor fellow—I could better bear to hear that he was dead."

"There were many of your opinion on that head," said Basset, with a savage grin; "but the fellow was too cunning for all the lawyers—and his conviction, at last, was only effected by a stratagem."

"A stratagem!" exclaimed I, in amazement.

"It was neither more nor less. Darby was arraigned four several times, but always acquitted. Now, it was defective evidence—now, a lenient jury—now, an informal indictment—but so was it, he escaped the meshes of the law, though every one knew him guilty of a hundred offences. At last, Major Barton resolved on another expedient. Darby was arrested in Ennis—thrown into jail—kept four weeks in a dark cell, on prison fare—and at the end, one morning, the hangman appeared to say his hour was come, and that the warrant for his execution had arrived. It was to take place, without judge or jury, within the four walls of the jail. The scheme succeeded—his courage fell—and he offered, if his life were spared, to plead guilty to any transportable felony, for which the grand jury would send up true bills. He did so, and was then undergoing the sentence."

"Great heavens! and can such iniquity be tolerated in a land where men call themselves Christians?" exclaimed I, as I heard this to the end.

"Iniquity," repeated he, in mockery, "to rid the country of a ruffian, stained with every crime—a fellow mixed up in every outrage of the land. Is this your notion of iniquity? Not so do I reckon it; and if I have told you of it now, it is that you may learn, that when loyal and well-affected men are trusted with the execution of the laws, the principle of justice is of more moment, than the nice distinction of legal subtleties. You may learn a lesson from it worth acquiring."

"I! how can it affect me or my fortunes?"

"More nearly than you think. I have told you of the accusation which hangs over your head—weigh it well, and deliberate what are your chances of escape. We must not waste time in discussing your innocence. The jury who will try the cause will be more difficult of belief, than you suspect. Neither the opinions you are charged with—your subsequent escape—nor your career in France, will contribute to your exculpation, even had you evidence to adduce in your favour: but you have not. Your only witness is equally removed, as by death itself. On what do you depend, then? Conscious innocence! Nine out of every ten who mount the scaffold proclaim the same—but I never heard that the voice that cried it, stifled the word 'guilty.' No, sir. I tell you, solemnly, you will be condemned!"

The tone of his voice, as he spoke the last few words, made my very blood run cold. The death of a soldier, on the field of battle, had no terrors for me—but the execrated fate of a felon I could not confront. The pallor of my cheek, the trembling of my limbs, must have betrayed my emotion—for even Basset seemed to pity me, and pressed me down into a chair.

"There is one way, however, to avoid all the danger," said he, after a pause, "an easy, and a certain way, both. You have heard of the advertisements for information respecting your death, which it was surmised had occurred abroad. Now, you are unknown here—without a single acquaintance to recognize or remember you—why should not you, under another name, come forward with these proofs—by so doing, you secure your own escape, and can claim the reward."

"What, perjure myself! that I may forfeit my inheritance."

"As to the inheritance," said he sneeringly, "your tenure does not promise a very long enjoyment of it."

"Were it but a day—an hour!" exclaimed I passionately, "I will make no compromise with my honour. On their own heads be it, who sentence an innocent man to death—better such even on a scaffold, than a life of ignominy and vain regret."

"The dark hours of a gaol, change men's sentiments wonderfully," said he slowly; "I have known some who faced death in its wildest and most appalling shape, shrink from it like cowards, when it came in the guise of a common executioner. Come, sir, be advised by me, reflect at least on what I have said, and if there be any path in life, where a moderate sum may assist you——"

"Peace, sir—I beg of you to be silent; it may be that your counsel is prompted by kindly feeling towards me; but if you would have me think so, say no more of this—my mind is made up."

"Wait until to-morrow in any case, perhaps some other plan may suggest itself. What say you to America?—have you any objection to go there?"

"Had you asked me the question an hour since, I had replied, none whatever. Now it is different, my departure would be like the flight of a guilty man, I cannot do it."

"Better the flight, than the fate of one," muttered Basset between his teeth, while at the same instant the sound of voices talking loudly together was heard in the hall without.

"Think again before it is too late, remember what I have told you: your opinions, your career, your associates, are not such as to recommend you to the favourable consideration of a jury. Is your case strong enough to oppose all these? Sir Montague will make liberal terms—he has no desire to expose the calamities of a family."

"Sir Montague!—of whom do you speak?"

"Sir Montague Crofts," said Basset reddening, for he had unwittingly suffered the name to escape his lips. "Are you ignorant that he is your relative, a distant one it is true, but your nearest of kin notwithstanding."

"And the heir to the estate?" said I suddenly, as a new light flashed on my mind. "The heir, in the event of my life lapsing?" Basset nodded an assent.

"You played a deep game, sir," said I, drawing a long breath, "but you never were near winning it."

"Nor you either," said he, throwing wide the door between the two rooms. "I hear a voice without there, that settles the question for ever."

At the same instant, Major Barton entered, followed by two men.

"I suspected I should find you here, sir," said he addressing me. "You need scarcely trouble my worthy friend for his bail, I arrest you now under a warrant of felony."

"A felony!" exclaimed Basset with a counterfeited astonishment in his look. "Mr. Burke accused of such a crime!"

I could not utter a word—indignation and shame overpowered me, and merely motioning with my hand that I was ready to accompany him, I followed to the door, at which a carriage was standing, getting into which we drove towards Newgate.

CHAPTER LXXXI.

THE PERIL AVERTED.

If I have dwelt with unnecessary prolixity on this dark portion of my story, it is because the only lesson my life teaches has lain in similar passages. The train of evils which flows from one misdirection in early life, the misfortunes which ensue from a single false and inconsiderate step, frequently darken the whole subsequent career. This I now thought over in the solitude of my cell. However I could acquit myself of the crime laid to my charge, I could not so easily absolve my heart of the early folly, which made me suppose that the regeneration of a land should be accomplished by the efforts of a sanguinary and bigotted rabble. To this error could I trace every false step I made in life—to this cause, attribute the long struggle I endured between my love of liberty and my detestation of mob rule; and yet how many years did it cost me to learn, that to alleviate the burdens of the oppressed, may demand a greater exercise of tyranny, than ever their rulers practised towards them. Like many others, I looked to France as the land of freedom—but where was despotism so unbounded! where the sway of one great mind so unlimited! They had bartered liberty for equality, and because the pressure was equal on all, they deemed themselves free; while the privileges of class with us suggested the sense of bondage to the poor man, whose actual freedom was yet unencumbered.

Of all the day-dreams of my boyhood, the ambition of military glory alone survived, and that lived on amid the dreary solitude of my prison, comforting many a lonely hour by memories of the past. The glittering ranks of the mounted squadrons, the deep-toned thunder of the artillery, the solid masses of the infantry, immoveable beneath the rush of cavalry, were pictures I could dwell on for hours and days; and my dearest wish could point to no higher destiny, than to be once more a soldier in the ranks of France.

During all this time, my mind seldom reverted to the circumstances of my imprisonment, nor did I feel the anxiety for the result my position might well have suggested. The conscious sense of my innocence kept the flame of hope alive, without suffering it either to flicker or vary. It burned like a steady flame within me, and made even the dark cells of a gaol a place of repose and tranquillity: and thus time rolled on, the hours of pleasure and happiness to thousands, too short and flitting for the enjoyments they brought: they went by, also, to the prisoner, as to one who waits on the bank of the stream, nor knows what fortune may await him on his voyage. A stubborn feeling of conscious right had prevented my taking even the ordinary steps for my defence, and the day of trial was now drawing nigh, without any preparation on my part. I was ignorant how essential the habits and skill of an advocate are in the conduct of every case, however simple, and implicitly relied on my guiltlessness, as though men can read the heart of a prisoner, and know its workings.

M'Dougall, the only member of the bar I knew even by name, had accepted a judicial appointment in India, and was already on his way thither, so that I had neither friend nor adviser in my difficulty. Were it otherwise, I felt I could scarcely have bent my pride to that detail of petty circumstances which an advocate might deem essential to my vindication, and was actually glad to think that I should owe the assertion of my innocence to nothing less than the pure fact.

When November at length arrived, I learned that the trial had been deferred to the following February; and so listless and indifferent had imprisonment made me, that I heard the intelligence without impatience or regret. The publicity of a court of justice, its exposure to the gaze and observatiom of the crowd who throng there, were subjects of more shrinking dread to my heart than the weight of an accusation, which, though false, might peril my life, and for the first time I rejoiced that I was friendless. Yes, it brought balm and comfort to me to think that none would need to blush at my relationship, nor weep over my fate. Sorrow has, surely, eaten deeply into our natures, when we derive pleasure and peace from what, in happier circumstances, are the sources of regret.

Let me now hasten on. My reader will readily forgive me, if I pass with rapid steps over a portion of my story, the memory of which has not yet lost its bitterness. The day at last came, and amid all the ceremonies of a prison I was marched from my cell to the dock. How strange the sudden revolution of feeling, from the solitude and silence of a gaol, to the crowded court, teeming with looks of eager curiosity, dread, or perhaps compassion, all turned towards him, who himself, half forgetful of his condition, gazes on the great mass in equal astonishment and surprise.

My thoughts at once recurred to a former moment of my life, when I stood accused among the Chouan prisoners before the tribunal of Paris; but though the proceedings were less marked by excitement and passion, the stern gravity of the English procedure was far more appalling; and in the absence of all which could stir the spirit to any

effort of its own, it pressed with a more solemn dread on the mind of a prisoner.

I have said I would not linger over this part of my life. I could not do so if I would. Real events, and the impressions they made upon me—facts, and the passing emotions of my mind, are strangely confused and commingled in my memory; and although certain minute and trivial things are graven in my recollection, others of moment have escaped me unrecorded.

The usual ceremonial went forward: the jury were empanneled, and the clerk of the crown read aloud the indictment, to which my plea of "not guilty" was at once recorded. Then the judge asked if I were provided with counsel, and hearing that I was not, appointed a junior barrister to act for me, and the trial began.

I was not the first person who, accused of a crime of which he felt innocent, yet was so overwhelmed by the statements of imputed guilt—so confused by the inextricable web of truth and falsehood, artfully entangled, that he actually doubted his own convictions, when opposed to views so strongly at variance with them.

The first emotion of the prisoner is a feeling of surprise to discover that one utterly a stranger—the lawyer he has, perhaps, never seen—whose name he never so much as heard of—is perfectly conversant with his own history, and, as it were by intuition, seems acquainted with his very thoughts and motives. Tracing out not only a line of acting, but of devising, he conceives a story of which the accused is the hero, and invests his narrative with all the appliances to belief which result from time, and place, and circumstance.

No wonder that the very accusation should strike terror into the soul. No wonder that the statement of guilt should cause heart-sinking to him who, conscious that all is not untrue, may feel that his actions can be viewed in another, and a very different light, than that which conscience sheds over them.

Such, so far as I remember, was the channel of my thoughts. At first mere astonishment at the accuracy of detail regarding my name, age, and condition in life, was uppermost—then succeeded a sense of indignant anger at the charges laid against me, which yielded gradually to a feeling of confusion as the advocate continued, which again merged into a sort of dubious fear, as I heard many trivial facts repeated, some of which my refreshed memory acknowledged as true, but of which my puzzled brain could not detect the inapplicability to sustain the accusation—all ending in a chaos of bewilderment, where conscience itself was lost, and nothing left to guide or direct the reason.

The counsel informed the jury that although they were not placed in the box to try me on any charge of a political offence, they must bear in mind that the murderous assault of which I was accused was merely part of a system organised to overthrow the government—that young as I then was, I was in intimate connection with the disaffected party, which the mistaken leniency of the crown had not thoroughly eradicated, on the termination of the late rebellion—my constant companion being one whose crimes were already undergoing their but too merciful punish-

ment in transportation for life—that to tamper with the military, I had succeeded in introducing myself into the barrack, where I obtained the confidence of a weak-minded but good-natured officer of the regiment.

"These schemes," continued he, "were but partially successful. My distinguished client was then an officer of the corps, and with that ever-watchful loyalty which has distinguished him, he determined to keep a vigilant eye on this intruder, who, from circumstances of youth and apparent innocence, already had won upon the confidence of the majority of the regiment; nor was this impression a false one. An event apparently little likely to unveil a treasonable intention, soon unmasked the true character of the prisoner and the nature of his mission."

He then proceeded to narrate with circumstantial accuracy the night in the George's-street barracks, when Hilliard, Crofts, and some others came with Bubbleton to his quarters to decide a wager between two of the parties. Calling the attention of the jury to this part of the case, he detailed the scene which occurred, and if I could trust my memory, not a phrase, not a word escaped him, which had been said.

"It was then, gentlemen," said he, "at that instant, that the prisoner's habitual caution failed him, and an unguarded moment developed the full story of his guilt. Captain Bubbleton lost the wager, of which my client was the winner. The habits of the service are peremptory in these matters; it was necessary that payment should be made at once. Bubbleton had not the means of discharging his debt, and while he looked around among his comrades for assistance, the prisoner steps forward and supplies the sum. Mark what followed. A sudden call of service now summoned the officers beneath, all save Crofts, who, not being on duty, had no necessity for accompanying them.

"The bank-note so opportunely furnished by the prisoner lay on the table, and this Crofts proceeded leisurely to open and examine before he left the room. Slowly unfolding the paper, he spread it out before him, and what think you, gentlemen, did the paper display? A bank of England bill for twenty pounds, you'll say of course. Far from it indeed! The paper was a French assignat, bearing the words—'*Payez au porteur la somme de deux mille livres.*' Yes, the sum so carelessly thrown on the table by this youth was an order for eighty pounds, issued by the French government.

"Remember the period, gentlemen, when this occurred; we had just passed the threshold of a most fearful and sanguinary rebellion—the tranquillity of the land scarce restored after a convulsion that shook the very constitution and the throne to their centres—the interference of France in the affairs of the country had not been a mere threat—her ships had sailed, her armies had landed, and though the bravery and the loyalty of our troops had made the expedition result in utter defeat and overthrow, the emissaries of the land of anarchy yet lingered on our shores, and disseminated that treason in secret, which openly they dared not proclaim. If they were sparing of their blood, they were lavish of their gold—what they failed in courage they

supplied in assignats. Large promises of gain, rich offers of booty, were rife throughout the land, and wherever disaffection lurked, or rebellion lingered, the enemy of England found congenial allies. Nothing too base, nothing too low for this confederacy of crime; neither was any thing too lowly in condition or too humble in efficiency. Treason cannot choose its agents; it must take the tools which chance and circumstances offer; they may be the refuse of mankind, but if inefficient for good, they are not the less active for evil. Such a one was the youth who now stands a prisoner before you, and here was the price of his disloyalty."

At these words he held up triumphantly the French assignat and waved it before the eyes of the court. However little the circumstances weighed within me, such was the impression manifestly produced upon the jury by this piece of corroborative evidence, that a thrill of anxiety for the result ran suddenly through me.

Until that moment I believed Darby had repossessed himself of the assignat when Crofts lay insensible on the ground—at least I remembered well that he stooped over him and appeared to take something from him. While I was puzzling my mind on this point, I did not remark that the lawyer was proceeding to impress on the jury the full force of conviction such a circumstance implied.

The offer I had made to Crofts to barter the assignat for an English note—my urgent entreaty to have it restored to me—the arguments I had employed to persuade him that no suspicion could attach to my possession of it—were all narrated with so little of exaggeration, that I was actually unable to say what assertion I could object to, while I was conscious that the inferences sought to be drawn from them were false and unjust.

Having displayed with consummate skill the critical position this paper had involved me in, he took the opportunity of contrasting the anxiety I evinced for my escape from my difficulty, with the temperate conduct of my antagonist, whose loyalty left him no other course than to retain possession of the note, and inquire into the circumstances by which it reached my hands.

Irritated by the steady determination of Crofts, it was said that I endeavoured by opprobrious epithets and insulting language to provoke a quarrel, which a sense of my inferiority as an antagonist rendered a thing impossible to be thought of. Baffled in every way, I was said to have rushed from the room, double locking it on the outside, and hurried down the stairs and out of the barrack, not to escape, however, but with a purpose very different—to return in a few moments accompanied by three fellows, whom I passed with the guard as men wishing to recruit.

To ascend the stairs, unlock the door, and fall on the imprisoned officer, was the work of an instant. His defence, although courageous and resolute, was but brief: his sword being broken, he was felled by a blow of a bludgeon, and thus believed dead. The ruffians ransacked his pockets and departed.

The same countersign which admitted, passed them out, as they

went—and when morning broke, the wounded man was found weltering in his blood, but with life still remaining, and strength enough to recount what had occurred. By a mere accident, it was stated, the French bank-note had not been consigned to his pocket, but fell during the struggle, and was discovered the next day on the floor.

These were the leading features of an accusation—which, however improbable, while thus briefly and boldly narrated, hung together with a wonderful coherence in the speech of the lawyer—supported as they were, by the number of small circumstances corroboratory of certain immaterial portions of the story. Thus, the political opinions I professed—the doubtful, nay, equivocal position I occupied—the intercourse with France, or Frenchmen, as proved by the *billet de banque*—my sudden disappearance after the event—and my escape thither, where I continued to live, until, as it was alleged, I believed that years had eradicated all trace of, if not my crime, myself—such were the statements displayed with all the specious inferences of habitual plausibility—and to confirm which, by evidence, Sir Montague Crofts was called to give his testimony.

There was a murmur of expectancy through the court, as this well-known individual's name was pronounced; and in a few moments, the throng around the inner-bar opened, and a tall figure appeared upon the witness-table. The same instant that I caught sight of his features, he had turned his glance on me, and we stood for some seconds confronting each other. Mutual defiance seemed the gage between us—and I saw, with a thrill of savage pleasure, that, after a minute or so, his cheek flushed, and he averted his face, and appeared ill at ease and uncomfortable.

To the first questions of the lawyer he answered with evident constraint, and in a low subdued voice, but soon recovering self-possession, gave his testimony freely and boldly—corroborating, by his words, all the statements of his advocate. By both the court and the jury he was heard with attention and deference—and when he took a passing occasion to allude to his loyalty and attachment to the constitution, the senior judge interrupted him, by saying—

"On that point, Sir Montague, no second opinion can exist—your character for unimpeachable honour is well known to the court."

The examination was brief, lasting scarcely half-an-hour—and when the young lawyer came forward to put some questions as cross-examination, his want of instruction and ignorance were at once seen, and the witness was dismissed almost immediately.

Sir Montague's advocate declined calling any other witness. The regiment to which his client then belonged, was on foreign service; but he felt satisfied that the case required nothing in addition to the evidence the jury had heard.

A few moments of deliberation ensued among the members of the bench, and then the senior judge called on my lawyer to proceed with the defence.

The young barrister rose with diffidence, and expressed in few words his inability to rebut the statements that had been made, by any

evidence in his power to produce. "The prisoner, my lord," said he, "has confided nothing to me of his case. I am ignorant of every thing, save what has taken place in open court."

"It is true, my lord," said I, interrupting. "The facts of this unhappy circumstance are known but to three individuals. You have already heard the version which one of them has given. You shall now hear mine. The third, whose testimony might incline the balance in my favour, is, I am told, no longer in this country—and I have only to discharge the debt I feel due to myself, and to my own honour, by narrating the real occurrence, and leave the issue in your hands, to deal with as your consciences may dictate."

With the steadiness of purpose truth inspires, and in few words, I narrated the whole of my adventure with Crofts, down to the moment of Darby's sudden appearance. I told of what passed between us—and how the altercation, that began in angry words, terminated in a personal struggle—where, as the weaker, I was overcome, and lay beneath the weapon of my antagonist, by which already I had received a severe and dangerous wound.

"I should hesitate here, my lords," said I, "before I spoke of one who then came to my aid, if I did not know that he is already removed by a heavy sentence both from the penalty his gallant conduct might call down on him, and the enmity which the prosecutor would as certainly pursue him with; but he is beyond the reach of either, and I may speak of him freely."

I then told of Darby's appearance that night in the barrack, disguised as a ballad-singer—how in this capacity he passed the sentry, and was present in the room when the officers entered to decide the wager—that he had quitted it soon after their departure, and only returned on hearing the noise of the scuffle between Crofts and myself. The struggle itself I remembered but imperfectly, but so far as my memory bore me out, recapitulated to the court.

"I will relate, my lords," said I, "the few events which followed—not that they can in any wise corroborate the plain statement I have made, nor indeed that they bear, save remotely, on the events mentioned—but I will do so in the hope—a faint hope it is—that in this court there might be found some one person who could add his testimony to mine, and say—'This is true—to that I can myself bear witness.'"

With this brief preface I told how Darby had brought me to a house in an obscure street, in which a man, apparently dying, was stretched upon a miserable bed—that while my wound was being dressed, a car came to the door with the intention of conveying the sick man away somewhere. This, however, was deemed impossible, so near did his last hour appear, and in his place I was taken off, and placed on board the vessel bound for France.

"Of my career in that country, it is needless that I should speak: it can neither throw light upon the events which preceded it, nor have any interest for the court. My commission as a captain of the Imperial Hussars may, however, testify the position that I occupied; while the

certificate of the minister of war on the back, will show that I quitted the service voluntarily, and with honour."

"The court would advise you, sir," said the judge, "not to advert to circumstances which, while they contribute nothing to your exculpation, may have a very serious effect on the minds of the jury against you. Have you any witnesses to call?"

"None, my lord."

A pause of some minutes ensued, when the only sounds in the court were the whispering tones of Crofts' voice, as he said something into his counsel's ear. The lawyer rose—

"My task, my lords," said he, "is a short one. Indeed, in all probability, I need not trouble either your lordships or the jury with an additional word on a case where the evidence so conclusively establishes the guilt of the accused, and where the attempt to contradict it has been so abortive. Never, perhaps, was a story narrated within the walls of a court so full of improbable—might I not almost say impossible—events, as that of the prisoner." He then recapitulated, with rapid, but accurate detail, the principal circumstances of my story, bestowing some brief comment on each as he went. He sneered at the account of the struggle, and turned the whole description of the contest with Crofts into ridicule, calling on the jury to bestow a glance on the manly strength and vigorous proportions of his client, and then remember the age of his antagonist—a boy of fourteen. "I forgot, gentlemen—I ask your pardon—he confesses to one ally—this famous Piper. I really did hope that was a name we had done with for ever. I indulged the dream, that among the memories of an awful period, this was never to recur; but, unhappily, the expectation was delusive. The fellow is brought once more before us; and, perhaps, for the first time in his long life of iniquity, charged with a crime he did not commit." In a few sentences, he explained that a large reward was at that very moment offered for the apprehension of Darby, who never would have ventured, under any disguise, to approach the capital—much less trust himself within the walls of a barrack. "The tissue of wild and inconsistent events which the prisoner has detailed as following the assault deserves no attention at my hands. Where was this house? What was the street? Who was this doctor of which he speaks, and the sick man—how was he called?"

"I remember his name well. It is the only one I remember among all I heard," said I from the dock.

"Let us hear it, then," said the lawyer, half contemptuously.

"Daniel Fortescue was the name he was called by."

Scarcely was the name uttered by me, when Crofts leaned back in his seat, and became pale as death, while, stretching out his hand, he took hold of the lawyer's gown and drew him towards him. For a second or two he continued to speak with rapid utterance in the advocate's ear, and then covering his face with his handkerchief, leaned his head on the rail before him.

"It is necessary, my lords," said the lawyer, "that I should explain the reason of my client's emotion, and, at the same time, unveil the

baseness which has dictated this last effort of the prisoner—if not to injure the reputation—to wound the feelings of my client. The individual whose name has been mentioned was the half-brother of my client, and whose unhappy connexion with the disastrous events of the year '98 involved him in a series of calamities, which ended in his death, which took place in the year 1800—but some months earlier than the circumstance which we now are investigating. The introduction of this unhappy man's name was, then, a malignant effort of the prisoner to insult the feelings of my client, on which your lordships and the jury will place its true value."

A murmur of disapprobation ran through the crowded court as these words were spoken; but whether directed against me or against the comment of the lawyer, I could not determine; nor, such was the confusion I then felt, could I follow the remainder of the advocate's address with any thing like clearness. At last he concluded, and the chief-justice, after a whispered conversation with his brethren of the bench, thus began:

"Gentlemen of the jury, the case which you have this day to try, to my mind, presents but one feature of doubt and difficulty. The great fact for your consideration is, to determine to which of two opposite and conflicting testimonies you will accord your credence. On the one side you have the story of the prosecutor—a man of position and character, high in the confidence of honourable men, and invested with all the attributes of rank and station; on the other, you have a narrative strongly coherent in some parts, equally difficult to account for in others, given by the prisoner—whose life, even by his own showing, has none of those recommendations to your good opinions, which are based on loyalty and attachment to the constitution of these realms. Both testimonies are unsupported by any collateral evidence. The prosecutor's regiment is in India, and the only witnesses he could adduce are many thousand miles off. The prisoner appeals also to the absent, but with less of reason; for if we could call this man, M'Keown, before us—if, I say, we had this same Darby M'Keown in court——"

A tremendous uproar in the hall without drowned the remainder of the sentence, and although the crier loudly proclaimed silence, and the bench twice interposed its authority to enforce it, the tumult continued, and eventually extended within the court itself, where all semblance of respect seemed suddenly annihilated.

"If this continues one moment longer," exclaimed the chief-justice, "I will commit to Newgate the very first disorderly person I can discover."

The threat, however, did but partially calm the disturbance, which in a confused murmur prevailed, from the benches of the counsel to the very galleries of the court.

"What means this?" said the judge, in a voice of anger. "Who is it that dares to interfere with the administration of justice here?"

"A witness—a witness, my lord," called out several voices from the passage of the court, while a crowd pushed violently forward, and

came struggling onwards, till the leading figures were pressed over the inner bar.

Again the judge repeated his question, while he made a signal for the officer of the court to approach him.

"'Tis me, my lord," shouted a deep-toned voice from the middle of the crowd. "Your lordship was asking for Darby M'Keown, and it isn't himself's ashamed of the name!"

A perfect yell of approval broke from the ragged mob, which now filled every avenue and passage of the court, and even jammed up the stairs and the entrance halls.

And now, raised upon the shoulders of the crowd, Darby appeared, borne aloft in triumph; his broad and daring face, bronzed with sun and weather, glowed with a look of reckless effrontery, which no awe of the court, nor any fear for himself was able to repress.

Of my own sensations while this scene was enacting I need not speak; and as I gazed at the weather-beaten features of the hardy piper, it demanded every effort of my reason to believe in the testimony of my eyesight. Had he come back from death itself, the surprise would scarcely have been greater. Meanwhile the tumult was allayed, and the lawyers on either side—for now that a glimmer of hope appeared, my advocate had entered with spirit on his duties—were discussing the admissibility of evidence at the present stage of the proceedings. This point being speedily established in my favour, another and a graver question raised—how far the testimony of a convicted felon—for such the lawyer at once called Darby—could be received as evidence.

Cases were quoted, and authorities shown, to prove that such cannot be heard as witnesses—that they are among those whom the law pronounces infamous and unworthy of credit; and while the lawyer continued to pour forth on this topic a perfect ocean of arguments, he was intercepted by the court, who affirmed the opinion, and concurred in his view of the case.

"It only remains, then, my lord," said my counsel, "for the crown to establish the identity of the individual——"

"Nothing easier," interposed the other.

"I beg pardon. I was about to add—and produce the record of his conviction."

This last seemed a felling blow; for although the old lawyer never evinced here, or at any other time, the slightest appearance of discomfiture at any opposition, I could see by the puckering of the deep lines around his mouth, that he felt vexed and annoyed by this new suggestion.

An eager and animated discussion ensued, in which my advocate was assisted by the advice of some senior counsel, and again the point was ruled in my favour, and Darby M'Keown was desired to mount the table.

It required all the efforts of the various officers of the court to repress another outbreak of mob enthusiasm at the decision; for already the trial had assumed a feature perfectly distinct from any common infraction of the law. Its political bearing had long since

imparted a character of party warfare to the whole proceeding; and while Sir Montague Crofts found his well-wishers among the better dressed and more respectable persons present, a much more numerous body of supporters claimed me as their own, and in defiance of all the usages and solemnity of the place, did not scruple to bestow on me looks, and even words, of encouragement, at every stage of the trial. Darby's appearance was the climax of this popular enthusiasm. There were few who had not seen, or at least heard of the celebrated piper in times past. His daring infraction of the law—his reputed skill in evading detection— his acquaintance with every clue and circumstance of the late rebellion—the confidence he enjoyed among all the leaders—had made him a hero in a land where such qualities are certain of obtaining their due estimation. And now, the reckless effrontery of his presence as a witness in a court of justice, while the sentence of transportation still hung over him, was a claim to admiration none refused to acknowledge.

His air and demeanour, as he took his seat on the table, seemed an acknowledgment of the homage rendered him; for though as he placed his worn and ragged hat beside his feet, and stroked down his short black hair on his forehead, a careless observer might have suspected him of feeling awed and abashed by the presence in which he sat, one more conversant with his countrymen would have detected in the quiet leer of his roguish black eye, and a certain protrusion of his thick under lip, that Darby was as perfectly at his ease there as the eminent judge was, who now fixed his eyes upon him. A short, but not disrespectful nod was the only notice he bestowed on me, and then concealing his joined hands within his sleeves, and drawing his legs back beneath the chair, he assumed that attitude of mock humility your least bashful Irishman is so commonly fond of.

The veteran barrister was, meanwhile, surveying the witness with the peculiar scrutiny of his caste: he looked at him through his spectacles, and then he stared at him above them: he measured him from head to foot, his eye dwelling on every little circumstance of his dress or demeanour, as though to catch some clue to his habits of thinking or acting. Never did a matador survey the brawny animal with which he was about to contend in skill or strength, with more critical acumen, than did the lawyer regard Darby the Blast; nor was the object of this examination unaware of it. Very far from this, indeed; he seemed pleased by the degree of attention bestowed on him, and felt all the flattery such notice conveyed; but while doing so, you could only detect his satisfaction in an occasional side-long look of drollery, which, brief and flitting as it was, had still a numerous body of admirers through the court, whose muttered expressions of "Divil fear ye, Darby, but ye're up to them any day;" or "Faix, 'tis himself cares little about them," showed they had no lack of confidence in the piper.

"Your name is M'Keown, sir?" said the lawyer, with that abruptness which so often succeeds in oversetting the balance of a witness's self-possession.

"Yes, sir—Darby M'Keown."

"Did you ever go by any other than this?"

"They do call me 'Darby the Blast' betimes, av that's a name."

"Is that the only other name you have been called by?"

"I misremember rightly, it's so long since I was among friends and acquaintances; but if yer honour would remind me a little, maybe I could tell."

"Well, were you ever called 'Larry the Flail?'"

"Faix, I was," replied he, laughing, "divil a doubt of it."

"How did you come by the name of 'Larry the Flail?'"

"They gave me that name up at Mulhuldad, there, for bating one M'Clancy wid a flail."

"A very good reason. So you got the name because you beat a certain M'Clancy with a flail?'"

"I didn't say that. I only said they gave me the name because they said I bate him."

"Were you ever called 'Fire-the-Haggard?'"

"I was, often."

"For no reason, of course?"

"Divil a rayson. The boys said it in sport, just as they talk of yer honour out there in the hall."

"How do you mean, talk of me?"

"Sure I heard them say myself, as I was coming in, that you wor a clever man and a cute lawyer. They do be always humbugging that way."

A titter ran round the benches of the barristers at this speech, which was delivered with a *näive* simplicity that would deceive many.

"You were a United Irishman, Mr. M'Keown, I believe?" rejoined the counsel, with a frown of stern intimidation.

"Yes, sir, and a White Boy, and a Defender, and a Thrasher, besides. I was in all the fun them times."

"The Thrashers are the fellows, I believe, who must beat any man they are appointed to attack—isn't that so?"

"Yes, sir."

"So that, if I was mentioned to you as a person to be assaulted, although I had never done you any injury, you'd not hesitate to waylay me?"

"No, sir, I wouldn't do that—I'd not touch yer honour."

"Come, come—what do you mean? Why wouldn't you touch me?"

"I'd rather not tell, av it was plazing to ye."

"You must tell, sir. Speak out! Why wouldn't you attack me?"

"They say, sir," said Darby, and as he spoke his voice assumed a peculiar lisp, meant to express great modesty, "they say, sir, that when a man has a big wart on his nose there, like yer honour, it's not lucky to bate him, for that's the way the divil marks his own."

This time the decorum of the court gave way entirely, and the unwashed faces which filled the avenues and passages were all expanded in open laughter; nor was it easy to restore order again amid the many marks of approval and encouragement bestowed on Darby by his numerous admirers.

"Remember where you are, sir," said the judge, severely.

"Yes, my lord," said Darby, with an air of submission. "'Tis the first time I was ever in sich a situation as this. I'm much more at my ease when I'm down in the dock there—it's what I'm most used to, God help me."

The whining tone in which he delivered this mock lament on his misfortunes occasioned another outbreak of the mob, who were threatened with expulsion from the court if any future interruption took place.

"You were, then, a member of every illegal society of the time, Mr. Darby?" said the lawyer, returning to the examination. "Is it not so?"

"Most of them, anyhow," was the cool reply.

"You took an active part in the doings of the year '98 also."

"Throth I did—mighty active. I walked from beyant Castlecomer one day to Dublin, to see a trial here. Be the same token it was Mr. Curran made a hare of yer honour that day. Begorra!—I wonder ye ever held up yer head after."

Here a burst of laughter at the recollection seemed to escape Darby so naturally, that its contagious effects were felt throughout the assembly.

"You are a wit, Mr. M'Keown, I fancy—eh?"

"Bedad I'm not, sir. Very little of that same would have kept me out of this to-day."

"But you came here to serve a friend—a very old friend, he calls you."

"Does he?" said Darby, with an energy of tone and manner very different from what he had hitherto used. "Does Master Tom say that?"

As the poor fellow's cheek flushed, and his eye sparkled with proud emotion, I could perceive that the lawyer's face underwent a change equally rapid. A look of triumph at having at length discovered the assailable point of the witness's temperament now passed over his pale features, and gave them an expression of astonishing intelligence.

"A very natural thing it is, Darby, that he should call you so. You were companions at an early period—at least of his life;—fellow-travellers, too, if I don't mistake."

Although these words were spoken in a tone of careless freedom, and intended to encourage Darby to some expansion on the same theme, the cunning fellow had recovered all his habitual self-possession, and merely answered, if answer it could be called—

"I was a poor man, sir, and lived by the pipes."

The advocate and the witness exchanged looks at this moment, in which their relative positions were palpably conveyed. Each seemed to say, it was a drawn battle; but the lawyer returned with vigour to the charge, desiring Darby to mention the manner in which our first acquaintance began, and how the intimacy was originally formed.

He narrated with clearness and accuracy every step of our early

wanderings, and while never misstating a single fact, contrived to exhibit my career as totally devoid of any participation in the treasonable doings of the period. Indeed, he laid great stress on the fact that my acquaintance with Charles de Meudon had withdrawn me from all relations with the insurgent party, between whom and the French allies feelings of open dislike and distrust existed.

Of the scene at the barrack, his account varied in nothing from that I had already given; nor was all the ingenuity of a long and intricate cross-examination able to shake his testimony in the most minute particular.

"Of course, then, you know Sir Montague Crofts. It is quite clear that you cannot mistake a person with whom you had a struggle such as you speak of."

"Faix, I'd know his skin upon a bush," said Darby, "av he was like what I remember him; but sure he may be changed since that. They tell me I'm looking ould myself, and no wonder. Hunting kangeroos wears the constitution terribly."

"Look around the court, now, and say if he be here."

Darby rose from his seat, and shading his eyes with his hand, took a deliberate survey of the court. Though well knowing, from past experience, in what part of the assembly the person he sought would probably be, he seized the occasion to scrutinize the features of the various persons, whom, under no other pretence, could he have examined.

"It's not on the bench, sir, you need look for him," said the lawyer, as M'Keown remained for a considerable time with his eyes bent in that direction.

"Bedad there's no knowing," rejoined Darby, doubtfully; "av he was dressed up that way, I wouldn't know him from an ould ram." He turned round as he said this, and gazed steadfastly towards the bar. It was an anxious moment for me! Should Darby make any mistake in the identity of Crofts, his whole testimony would be so weakened in the opinion of the jury, as to be nearly valueless. I watched his eyes, therefore, as they ranged over the crowded mass, with a palpitating heart; and when, at last, his glance settled on a far part of the court, very distant from that occupied by Crofts, I grew almost sick with apprehension, lest he should mistake another for him.

"Well, sir," said the lawyer, "do you see him now?"

"Arrah its humbugging me yez are," said Darby, roughly, while he threw himself down into his chair in apparent ill temper.

A loud burst of laughter broke from the bar at this sudden ebullition of passion, so admirably feigned that none suspected its reality; and while the sounds of mirth were subsiding, Darby dropped his head, and placed his hand above his ear. "There it is, by gorra; there's no mistaking that laugh, anyhow," cried he; "there's a screech in it might plaze an owl," and with that he turned abruptly round and faced the bench where Crofts was seated. "I heard it a while ago, but I couldn't say where. That's the man," said he, pointing with his finger to Crofts, who seemed actually to cower beneath his piercing glance.

"Remember, sir, you are on your solemn oath. Will you swear that the gentleman there is Sir Montague Crofts?"

"I know nothing about Sir Montague," said Darby, composedly, while rising he walked over towards the edge of the table where Crofts was sitting; "but I'll swear that's the same Captain Crofts that I knocked down while he was shortening his sword to run it through Master Burke; and by the same token, he has a cut in the skull, where he fell on the fender," and before the other could prevent it, he stretched out his hand, and placed it on the back of the crown of Croft's head. "There it is, just as I tould you."

The sensation these words created in the court was most striking, and even the old lawyer appeared overwhelmed at the united craft and consistency of the piper. The examination was resumed, but Darby's evidence tallied so accurately with my statement, that its continuance only weakened the case for the prosecution.

As the sudden flash of the lightning will sometimes disclose what in the long blaze of noonday has escaped the beholder, so will conviction break unexpectedly upon the human mind, from some slight but striking circumstance, which comes with the irresistible force of unpremeditated truthfulness. From that moment it was clear the jury to a man were with Darby. They paid implicit attention to all he said, and made notes of every trivial fact he mentioned; while he, as if divining the impression he had made, became rigorously cautious that not a particle of his evidence could be shaken, nor the effect of his testimony weakened by even a passing phrase of exaggeration. It was, indeed, a phenomenon worth studying, to see this fellow, whose natural disposition was the irrepressible love of drollery and recklessness—whose whole heart seemed bent on the indulgence of his wayward, careless humour—suddenly throw off every eccentricity of his character, and become a steady and accurate witness, delivering his evidence carefully and cautiously, and never suffering his own leanings to repartee, nor the badgering allusions of his questioner, to draw him for a moment away from the great object he had set before him; resisting every line, every bait the cunning lawyer threw out to seduce him into that land of fancy so congenial to an Irishman's temperament, he was firm against all temptation, and even endured that severest of all tests to the forbearance of his country—he suffered the laugh more than once to be raised at his expense, without an effort to retort on his adversary.

The examination lasted three hours, and at its conclusion, every fact I stated had received confirmation from Darby's testimony, down to the moment when we left the barrack together.

"Now, M'Keown," said the lawyer, "I am about to call your recollection, which is so wonderfully accurate, that it can give you no trouble in remembering, to a circumstance which immediately followed this affair." As he got thus far, Crofts leaned over and drew the counsel towards him, while he whispered some words rapidly in his ear. A brief dialogue ensued between them, at the conclusion of which the lawyer turned round, and addressing Darby, said—

"You may go down, sir, I've done with you."

"Wait a moment," said the young barrister on my side, who quickly perceived that the interruption had its secret object. "My learned friend was about to ask you concerning something which happened after you left the barrack, and although he has changed his mind on the subject, we, on this side, would be glad to hear what you have to say."

Darby's eyes flashed with unwonted brilliancy, and I thought I caught a glance of triumphant meaning towards Crofts, as he began his recital, which was in substance nothing more than what the reader already knows—when he came to the mention of Fortescue's name, however, Crofts, whose excitement was increasing at each moment, lost all command over himself, and cried out, "It's false—every word untrue—the man was dead at the time."

The court rebuked the interruption, and Darby went on.

"No, my lord, he was alive—but Mr. Crofts is not to blame, for he believed he was dead—and more than that, he thought he took the sure way to make him so." These words produced the greatest excitement throughout the court, and an animated discussion ensued—how far the testimony could go to inculpate a party not accused. It was ruled, at last, the evidence should be heard, as touching the case on trial, and not immediately as regarded Crofts; and then Darby began a recital, of which I had never heard a syllable before, nor had I conceived the slightest suspicion.

The story, partly told in narrative form—partly elicited by questioning—was briefly this:—

Daniel Fortescue was the son of a Roscommon gentleman of large fortune, of whom, also, Crofts was the illegitimate child. The father, a man of high Tory politics, had taken a most determined part against the patriotic party in Ireland, to which his son Daniel had shown himself, on more than one occasion, favourable. The consequence was, a breach of affection between them, widened into an actual rupture, by the old man, who was a widower, taking home to his house the illegitimate son, and announcing to his household, that he would leave him every thing he could in the world.

To Daniel, the blow was all that he needed to precipitate his ruin—he abandoned the university, where, already, he had distinguished himself—and threw himself, heart and soul, into the movement of the "United Irish" party. At first, high hopes of an independent nation—a separate kingdom—with its own train of interests, and its own sphere of power and influence—was the dream of those with whom he associated; but, as events rolled on, it was found that, to mature their plans, it was necessary to connect themselves with the masses, by whose agency the insurrectionary movement was to be effected—and in doing so, they discovered that, although theories of liberty and independence, high notions of pure government, may have charms for men of intellect and intelligence—to the mob, the price of a rebellion must be paid down in the sterling coin of pillage

and plunder—or even worse, the triumphant dominion of the depraved and the base over the educated and the worthy.

Many who favoured the patriotic cause, as it was called, became so disgusted at the low associates, and base intercourse, the game of party required, that they abandoned the field at once—leaving to others, less scrupulous, or more ardent, the path they could not stoop to follow. It was probable that young Fortescue might have been among these, had he been left to the guidance of his own judgment and inclination—for, as a man of honour and intelligence, he could not help feeling shocked at the demands made by those who were the spokesmen of the people; but this course he was not permitted to take, owing to the influence of a man who had succeeded in obtaining the most absolute power of him. This was a certain Maurice Mulcahy, a well-known member of the various illegal clubs of the day, and originally a country schoolmaster. Mulcahy it was who first infected Fortescue's mind with the poison of this party—now lending him volumes of the incendiary trash with which the press teemed; now, newspapers, whose articles were headed, "Orange outrage on a harmless and unresisting peasantry;" or, "Another sacrifice of the people to the bloody vengeance of the Saxon:" by these, his youthful mind became interested in the fate of those he believed to be treated with reckless cruelty and oppression—while, as he advanced in years, his reason was appealed to by those great and spirit-stirring addresses which Grattan and Curran were continually delivering, either in the senate or at the bar—and wherein the most noble aspirations after liberty were united with sentiments breathing love of country and devoted patriotism. To connect the garbled and lying statements of a debased newspaper press, with the honourable hopes and noble conceptions of men of mind and genius, was the fatal process of his political education—and never was there a time when such a delusion was more easy.

Mulcahy, now, stimulating the boyish ardour of a high-spirited youth—now, flattering his vanity, by promises of the position one of his ancient name and honoured lineage must assume in the great national movement, gradually became his directing genius, swaying every resolution, and ruling every determination of his mind. He never left his victim for a moment—and while thus insuring the unbounded influence he exercised, he gave proof of a seeming attachment—which Fortescue confidently believed in. Mulcahy, too, never wanted for money—alleging that the leaders of the plot knew the value of Fortescue's alliance, and were willing to advance him any sums he needed, he supplied the means of every extravagance, a wild and careless youth indulged in, and thus rivetted the chain of his bondage to him.

When the rebellion broke out, Fortescue, like many more, was horror-struck at the conduct of his party. He witnessed, hourly, scenes of cruelty and bloodshed at which his heart revolted, but to avow his compassion for which would have cost him his life on the spot. He

was in the stream, however, and must go with the torrent—and what will not stern necessity compel! Daily intimacy with the base-hearted and the low, hourly association with crime, and, perhaps, more than either, despair of success, broke him down completely, and with the blind fatuity of one predestined to evil, he became careless what happened to him, and indifferent to whatever fate was before him.

Still, between him and his associates there lay a wide gulf. The tree, withered and blighted as it was, still preserved some semblance of its once beauty, and, among that mass of bigotry and bloodshed, his nature shone forth conspicuously as something of a different order of being.

To none was this superiority more insulting than to the parties themselves. So long as the period of devising and planning the movement of an insurrection lasts, the presence of a gentleman, or a man of birth or rank, will be hailed with acclamation and delight. Let the hour of acting arrive, however, and the scruples of an honourable mind or the repugnance of a high-spirited nature, will be treated as cowardice by those, who only recognise bravery in deeds of blood, and know no heroism save when allied to cruelty.

Fortescue became suspected by his party. Hints were circulated, and rumours reached him, that he was watched—that it was no time for hanging back. He who sacrificed every thing for the cause to be thus accused! He consulted Mulcahy, and to his utter discomfiture discovered that even his old ally and adviser was not devoid of doubt regarding him. Something must be done, and that speedily; he cared not what. Life had long ceased to interest him either by hope or fear. The only tie that bound him to existence was the strange desire to be respected by those his heart sickened at the thought of.

An attack was at that time planned against the house and family of a Wexford gentleman, whose determined opposition to the rebel movement had excited all their hatred. Fortescue demanded to be the leader of that expedition, and was immediately named such by those who were glad to have the opportunity of testing his conduct by such an emergency.

The attack took place at night—a scene of the most fearful and appalling cruelty, such as the historian yet records among the most dreadful of that dreadful period. The house was burned to the ground, and its inmates butchered regardless of age or sex. In the effort to save a female from the flames, Fortescue was struck down by one of his party, while another nearly cleft his chest across with a cut of a large knife. He fell, covered with blood, and lay seemingly dead. When his party retreated, however, he summoned strength to creep under shelter of a ditch, and lay there till near day-break, when he was found by another gang of the rebel faction, who knew nothing of the circumstances of his wound, and carried him away to a place of safety.

For some months he lay dangerously ill. Hectic fever, brought on by suffering, brought him to the very brink of the grave; and at last he managed by stealth to reach Dublin, where a doctor well known to the party resided, and under whose care he ultimately recovered, and

succeeded at last in taking a passage to America. Meanwhile his death was currently believed, and Crofts was every where recognised as the heir to the fortune.

Mulcahy, of whom it is necessary to speak a few words, was soon after apprehended on a charge of rebellion, and sentenced to transportation. He appealed to many who had known him, as he said, in better times, to speak to his character. Among others, Captain Crofts—so he then was—was summoned. His evidence, however, was rather injurious than favourable to the prisoner, and, although not in any way influencing the sentence, was believed by the populace to have mainly contributed to its severity.

Such was, in substance, the singular story which was now told before the court—told without any effort at concealment or reserve—and to the proof of which M'Keown was willing to proceed at once.

"This, my lord," said Darby as he concluded, "is a good time and place to give back to Mr. Crofts a trifling article I took from him the night at the barracks. I thought it was the bank-notes I was getting, but it turned out better after all."

With that he produced a strong black leather pocket-book, fastened by a steel clasp. No sooner did Crofts behold it than, with the spring of a tiger, he leaped forward and endeavoured to clutch it. But Darby was on his guard, and immediately drew back his hand, calling out—

"No, no, sir! I didn't keep it by me eight long years to give it up that way. There, my lords," said he, as he handed it to the bench, "there's his pocket-book, with plenty of notes in it from many a one well known—Maurice Mulcahy among the rest—and you'll soon see who it was first tempted Fortescue to ruin, and who paid the money for doing it."

A burst of horror and astonishment broke from the assembled crowd as Darby spoke. Then, in a loud determined tone—

"He is a perjurer!" screamed Crofts. "I repeat it, my lord, Fortescue is dead."

"Faix, and for a dead man he has a remarkable appetite," said Darby, "and an elegant colour in his face besides, for there he stands," and as he spoke he pointed with his finger to a man who was leaning with folded arms against one of the pillars that supported the gallery. Every eye was now turned in the direction towards him, while the young barrister called out—"Is your name Daniel Fortescue?"—but before any answer could follow, several among the lawyers who had known him in his college days, and felt attachment to him, had surrounded and recognized him.

"I am Daniel Fortescue, my lord," said the stranger. "Whatever may be the consequences of the avowal, I say it here, before this court, that every statement the witness has made regarding me is true to the letter."

A low faint sound, heard throughout the stillness that followed these words, now echoed throughout the court, and Crofts had fallen fainting over the bench behind him.

A scene of tumultuous excitement now ensued, for while Crofts' friends, many of whom were present, assisted to carry him into the air, others pressed eagerly forward to catch a sight of Fortescue, who had already rivalled Darby himself in the estimation of the spectators. He was a tall, powerfully built man, of about thirty-five or six, dressed in the blue jacket and trousers of a sailor; but neither the habitude of his profession, nor the humble dress he wore, could conceal the striking evidence his air and bearing indicated of condition and birth. As he mounted the witness-table—for it was finally agreed that his testimony, in disproof or corroboration of M'Keown, should be heard—a murmur of approbation went round, partly at the daring step he had thus ventured on taking, and partly excited by those personal gifts which are ever certain to have their effect upon any crowded assembly.

I need not enter into the details of his evidence, which was given in a frank, straightforward manner, well suited to his appearance; never concealing for a moment the cause he had himself embarked in, nor assuming any favourable colouring for actions, which ingenuity and the zeal of party would have found subjects for encomium rather than censure.

His narrative not only confirmed all that Darby asserted, but also disclosed the atrocious scheme by which he had been first induced to join the ranks of the disaffected party. This was the work of Crofts, who knew and felt that Fortescue was the great barrier between himself and a large fortune. For this purpose Mulcahy was hired; to this end the whole long train of perfidy laid, which eventuated in his ruin; for so artfully had the plot been devised, each day's occurrence rendered retreat more difficult, until at last it became impossible.

The reader is already aware of the catastrophe which concluded his career in the rebel army. It only remains now to be told that he escaped to America, where he entered, as a sailor, on board a merchantman; and although his superior acquirements and conduct might have easily bettered his fortune in his new walk in life, the dread of detection never left his mind, and he preferred the hardships before the mast, to the vacillation of hope and fear a more conspicuous position would have exposed him to.

The vessel in which he served was wrecked off the coast of New Holland, and he and a few others of the crew were taken up by an English ship on her voyage outward. In a party sent on shore for water, Fortescue came up with Darby, who had made his escape from the convict settlement, and was wandering about the woods, almost dead of starvation, and scarcely covered with clothing. His pitiful condition, but perhaps more still, his native drollery, which even then was unextinguished, induced the sailors to yield to Fortescue's proposal, and they smuggled him on board in a water-cask, and, thus concealed, he made the entire voyage to England, where he landed about a fortnight before the trial. Fearful of being apprehended before the day, and determined at all hazards to give his evidence, he lay hid till the time we have already seen, when he suddenly came forward to my rescue.

Mulcahy, who worked in the same gang with Darby, or, to use the piper's grandiloquent expression, for he burst out in this occasionally, was "in concatenated proximity to him," told the whole story of his own baseness, and loudly inveighed against Crofts for deserting him in his misfortunes. The pocket-book taken from Crofts by Darby, amply corroborated this statement. It contained, besides various memoranda in the owner's hand-writing, several letters from Mulcahy, detailing the progress of the conspiracy—some, were in acknowledgment of considerable sums of money, others, asking for supplies, but, all, confirmatory of the black scheme by which Fortescue's destruction was compassed.

Whatever might have been the sentiments of the crowded court regarding the former life and opinions of Fortescue and the piper, it was clear that now only one impression prevailed, a general feeling of horror at the complicated villany of Crofts, whose whole existence had been one tissue of the basest treachery.

The testimony was heard with attention throughout; no cross-examination was entered on, and the judge, briefly adverting to the case which was before the jury, and from whose immediate consideration subsequent events had in a great measure withdrawn their minds, directed them to deliver a verdict of not guilty.

The words were re-echoed by the jury, who, man for man, exclaimed these words aloud, amid the most deafening cheers from every side.

As I walked from the dock, fatigued, worn-out, and exhausted, a dozen hands were stretched out to seize mine; but one powerful grasp caught my arm, and a well-known voice called in my ear—

"An' ye wor with Bony, Master Tom. Tare and 'ounds, didn't I know you'd be a great man yet."

At the same instant Fortescue came through the crowd towards me, with his hands outstretched.

"We should be friends, sir," said he, "for we both have suffered from a common enemy. If I am at liberty to leave this——"

"You are not, sir," interposed a deep voice behind. We turned, and beheld Major Barton. "The massacre at Kilmacshogue has yet to be atoned for."

Fortescue's face grew actually livid at the mention of the word, and his breathing became thick and short.

"Here," continued Barton, "is the warrant for your committal; and you also, Darby," said he, turning round, "we want your company once more in Newgate."

"Bedad, I suppose there's no use in sending an apology, when friends is so pressing," said he, buttoning his coat as coolly as possible; "but I hope you'll let the master come in to see me."

"Mr. Burke shall be admitted at all times," said Barton, with an obsequious civility I had never witnessed in him previously.

"Faix, maybe you'll not be for letting him out so aisy," said Darby, drily, for his notions of justice were tempered by a considerable dash of suspicion.

I had only time left to press my purse into the honest fellow's hand, and salute Fortescue hastily, as they both were removed, under the custody of Barton; and I now made my way through the crowd into the hall, which opened a line for me as I went; a thousand welcomes meeting me from those who felt as anxious about the result of the trial, as if a brother or a dear friend had been in peril.

One face caught my eye, as I passed; and partly from my own excitement—partly from its expression being so different from its habitual character—I could not recognize it as speedily as I ought to have done. Again and again it appeared; and at last, as I approached the door into the street, it was beside me.

"If I might dare to express my congratulations," said a voice, weak, from the tremulous anxiety of the speaker, and the shame which, real or affected, seemed to bow him down.

"What," cried I, "Mr. Basset!" for it was the worthy man himself.

"Yes, sir. Your father's old and confidential agent—I might venture to say, friend—come to see the son of his first patron occupy the station he has long merited."

"A bad memory is the only touch of age I remark in you, sir," said I, endeavouring to pass on, for I was unwilling at the moment of my escape from a great difficulty to lose temper with so unworthy an object.

"One moment, sir, just a moment," said he, in a low whisper. "You'll want money, probably. The November rents are not paid up; but there's a considerable balance to your credit. Will you take a hundred or two for the present?"

"Take money!—money from you!" said I, shrinking back.

"Your own, sir—your own estate. Do you forget," said he, with a miserable effort at a smile, "that you are Mr. Burke of Cromore, with a clear rental of four thousand a year. We gained the Cluan Bog lawsuit, sir," continued he. "'Twas I, sir, found the satisfaction for the bond. Your brother said he owed it all to Tony Basset."

The two last words were all that were needed to sum up the measure of my disgust, and I once more tried to get forward.

"I know the property, sir, for thirty-eight years. I was over it. Your father and your brother always trusted me——"

"Let me pass on, Mr. Basset," said I, calmly. "I have no desire to become a greater object of mob curiosity. Pray let me pass on."

"And for Darby M'Keown," whispered he.

"What of him?" said I; for he had touched the most anxious chord of my heart at that instant.

"I'll have him free. He shall be at liberty in forty-eight hours for you. I have the whole papers by me; and a statement to the privy council will obtain his liberation."

"Do this," said I, "and I'll forgive more of your treatment of me than I could on any other plea."

"May I call on you this evening, or to-morrow morning, at your hotel? Where do you stop, sir?"

"This evening, be it, if it hasten M'Keown's liberation. Remember,

however, Mr. Basset, I'll hold no converse with you on any other subject, till that be settled, and to my perfect satisfaction."

"A bargain, sir," said he, with a grin of satisfaction, and dropping back, he suffered me to proceed.

Along the quays I went, and down Dame-street, accompanied by a great mob of people, who thought in my acquittal they had gained a triumph; for so it was—every case had its political feature, and seemed to be intimately connected with the objects of one party or the other. Partizan cheers—the watch-words of faction—were uttered as I went, and I was made to suffer that least satisfactory of all conditions, which bestows notoriety without fame, and popularity without merit.

As I entered the hotel, I recognised many of the persons I had seen there before; but their looks were no longer thrown towards me with the impertinence they then assumed. On the contrary, a studied desire to evince courtesy and politeness was evident. How strange is it! thought I—how differently does the whole world smile to the rich man and to the poor! Here were many who could in no wise derive advantage from my altered condition—as perfectly independent of me as I of them; and yet even they showed that degree of deference in their manner which the expectant bestows upon a patron. So it is, however. The position which wealth confers is recognised by all—the individual who fills it is but an attribute of the station.

Life had, indeed, opened on me with a new and very different aspect, and I felt, as I indulged in the day-dreams which the sudden possession of fortune excites, that to enjoy thoroughly the blessings of independence, one must have experienced, as I had, the hard pressure of adversity. It seemed to me that the long road of gloomy fate had at length reached its turning point, and that I should now travel along a calmer and a happier path.

Thoughts of the new career that lay before me were blended with the memories of the past—hopes they were, but dashed with the shadows which a blighted affection will throw over the whole stream of life. Still, that evening was one of happiness—not of that excited pleasure derived from the attainment of a long-coveted object, but the calmer enjoyment felt in the safety of the haven by him who has experienced the hurricane and the storm. With such thoughts I went to rest, and laid my head on my pillow in thoughtfulness and peace. In my dreams my troubles still lingered; but who regrets the anxious minutes of a vision, which wakening thoughts dispel—are they not rather the mountain shadows that serve to brighten the gleam of the sun-light in the plain?

It was thus the morning broke for me; with all the ecstasy of danger passed, and all the crowding hopes of a happy future. The hundred speculations which in poverty I had formed for the comfort of the poor and the humble, might now be realised, and I fancied myself the centre of a happy peasantry, confiding and contented.

It would be hard indeed to forget "the camp and the tented field," in the peaceful paths of a country life; but simple duties are often as

engrossing as those of a higher order, and bring a reward not less grateful to the heart, and I flattered myself to think my ambition reached not above them.

The moments in which such day-dreams are indulged are the very happiest of a lifetime. The hopes which are based on the benefits we may render to others, are sources of elevation to ourselves; and such motives purify the soul, and exalt the mind to a pitch far above the petty ambitions of the world.

To myself, and to my own enjoyments, wealth could contribute less than to most men. The simple habits of a soldier's life satisfied every wish of my mind. The luxuries which custom makes necessary to others I never knew; and I formed my resolution not to wander from this path of humble, inexpensive tastes, so that the stream of charity might flow the wider.

These were my waking thoughts. Alas, how little do we ever realise of such speculations! and how few glide down the stream of life unswayed by the eddies and cross-currents of fortune! The higher we build the temple of our hopes, the more surely will it topple to its fall. Who shall say that our greatest enjoyment is not in raising the pile, and our happiest hours the full abandonment to those hopes our calmer reason never ratified? As yet it had not occurred to me to think what position the world might concede to one, whose life had been passed like mine; nor did I bestow a care upon a matter whereon so much of future happiness depended. These, however, were considerations which could not be long averted. How they came, and in what manner they were met, must remain for a future chapter of my history.

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